



STATE OF NEW YORK

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## APPLICATION GRANTED

SO ORDERED

BY HAND

April 22, 2009

Hon. Debra Freeman  
United States Magistrate Judge,  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York

*4/5/09* *John G. Koeltl*  
John G. Koeltl, U.S.D.J.

**Re: Burke v. Metropolitan Transportation Auth., et al.**  
S.D.N.Y. 09 Civ. 3291 (JGK) (DF)

Dear Magistrate Judge Freeman:

We are writing with the consent of *pro se* plaintiff Brian Burke and on behalf of three sets of defendants to request a schedule for the briefing of defendants' three independent motions to dismiss the complaint in this action.

Defendant Metropolitan Transportation Authority (MTA) served and filed a Rule 12(b)(6) motion to dismiss the complaint as against it on April 15, 2009. Defendant New York City Transit Authority (NYCTA) anticipates serving and filing a motion to dismiss the complaint as against it during the week of April 27, 2009. Defendants State of New York Public Employment Relations Board (PERB) and the New York Attorney General appearing *pro se* intend to serve and file a motion to dismiss the complaint as against each of them on June 15, 2009.

The parties agree on the following briefing schedule:

- June 15, 2009 - Date for plaintiff to respond to motions on behalf of MTA and NYCTA, and date for service of PERB and AG motion.
- June 29, 2009 - Date for service of MTA and NYCTA reply papers if any.

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- July 13, 2009 - Date for plaintiff to respond to motion on behalf of PERB and AG.
- July 27, 2009 - Date for service of PERB and AG reply papers if any.

We understand that District Judge Koeltl's Individual Practices call for the filing of courtesy copies only when the motions have been fully briefed. This is a non-ECF case.

The date for PERB and the AG to respond to the complaint is now April 28, 2009. There have been no previous requests for an extension. Other than the dates referred to above, there are no scheduled dates in this action.

We appreciate Your Honor's consideration of this request.

Respectfully,



JOEL GRABER (JG-3337)  
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cc:

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